

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO:**

ANDREA KELNER f/k/a ANDREA)	
GARDNER,)	
)	
Plaintiff,)	
)	
vs.)	
)	
GC SERVICES, LP,)	COMPLAINT
)	
Defendant.)	

INTRODUCTION

1. This action arises out of Defendant's violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Minnesota, personal jurisdiction is established.

4. Venue in the United States District Court is proper under 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Andover, Anoka County, Minnesota.

6. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

7. Defendant is a collection agency with its principal place of business in Houston, Texas.

8. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. At all times relevant to this Complaint, Defendant has acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers in the District of Minnesota.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect a consumer debt from Plaintiff on behalf of the original creditor, American Express, account number ending in 71009, with Defendant's reference number being 1709499.

11. Plaintiff's alleged debt owed to American Express arises from transactions for personal, family, and household purposes.

12. Starting in June of 2011, Defendant began placing collection calls to Plaintiff in an attempt to collect the debt owed to American Express.

13. Defendant called Plaintiff on Plaintiff's cell phone at 763-234-07xx.

14. In July of 2011, Defendant left voicemail messages for Plaintiff on Plaintiff's cell phone in an attempt to collect a debt from American Express. *See* Defendant's transcribed voicemail messages attached as Exhibit A.

15. Defendant's voicemail messages for Plaintiff did not disclose Defendant's identity and did not state that the communication was from a debt collector. *See* Exhibit

A.

16. Defendant's voicemail messages requested Plaintiff to call back numbers 314-851-4327 and 314-851-4345, both of which belonged to Defendant.

COUNT ONE:
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.

17. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

18. Plaintiff is entitled to attorneys' fees and costs incurred in this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- a. Statutory damages pursuant to 15 U.S.C. § 1692k;
- b. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- c. Awarding such other and further relief as may be just, proper and equitable.

DEMAND FOR JURY TRIAL

Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const.
amend. 7. Fed.R.Civ.Pro. 38.

KROHN & MOSS, LTD

Dated: August 15, 2011

By: s/ Lee Cassie Yates
Lee Cassie Yates - #352688
Krohn & Moss, Ltd.
10 N. Dearborn St.
3rd Floor
Chicago, IL 60602
Tel: 312-578-9428 x270
Fax: 866-583-3695
cyates@consumerlawcenter.com
Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

[illegible]

Plaintiff, ANDREA KELNER, having first been duly sworn and upon oath, deposes and says as follows:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ANDREA KELNER, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Andrea L Kelner
ANDREA KELNER

DATE: 8-2-11